

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BRUCE COMMITTE,

Plaintiff,

Case No. 3:20-cv-00372-JR

v.

OPINION AND ORDER

**AACSB INTERNATIONAL, OREGON
STATE UNIVERSITY, et al.**

Defendants.

MOSMAN, J.,

On September 8, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 37]. Judge Russo recommended that I GRANT Defendants' Motions to Dismiss and Motions for Pre-Filing Order [ECF 24, 36]. Plaintiff Bruce Committe filed an untimely Objection [ECF 39]. Upon review, I agree with Judge Russo.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

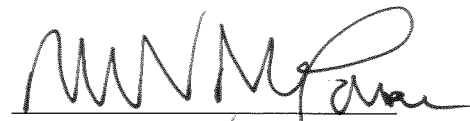
is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Russo's recommendation, and I ADOPT the F. & R. [37] as my own opinion. Defendants' Motions to Dismiss and for Pre-Filing Order [ECF 24, 36] are GRANTED. The case is DISMISSED without prejudice. Any motion to amend the complaint should be filed within 30 days of this Opinion and Order.

IT IS SO ORDERED.

DATED this 30 day of ~~October~~ ^{Nov.}, 2020.


MICHAEL W. MOSMAN
United States District Judge